

**CITY OF LOCKPORT  
CORPORATION PROCEEDINGS**

Lockport Municipal Building

**Special Meeting**  
Official Record

January 22, 2014  
5:06 P.M.

A Special Meeting was called by Mayor Michael W. Tucker to clear title to 133-135 Main Street.

Mayor Michael W. Tucker called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Kibler, Lombardi, McCaffrey, Fogle, Schrader, and Genewick.

**012214.1**

By Alderman McCaffrey:

Resolved, that the Rules and Orders of the Common Council be and the same are hereby waived for this meeting.

Seconded by Alderman Genewick. Ayes 6. Carried.

By Alderman Genewick:

Resolved, that the reading of the foregoing resolution be and the same is hereby waived.

Seconded by Alderman Fogle and adopted. Ayes 6.

**012214.2**

By Alderman Lombardi:

**RESOLUTION  
CLEARING TITLE TO 133-135 Main Street**

WHEREAS, the Ulrich Development Company ("Owner") owns real property commonly referred to as 133-135 Main Street, Lockport, New York ( "Premises") pursuant to a deed recorded in Liber 2862 of Deeds at page 203; and

WHEREAS, the City owns real property ("City's Property") immediately west of the Premises as more particularly set forth on an August 29, 2013, survey by McIntosh & McIntosh, P.C., Job No. 8234 ("Survey"); and

WHEREAS, the Owner and City ("the Parties" ) desire to (1) certify that certain improvements were constructed in accordance with the urban renewal requirements; (2) grant access across the City's property by the entrance and stairs of a building; and (3) allow for the

encroachment on a small portion of City Property a building consisting of approximately 2 feet by 14 feet and stairs for access to such building to remain as built, and

WHEREAS, the City entered into a contract dated April 5, 1979 ("1979 Contract"), which was recorded in Liber 1674 of Deeds at page 1, for the redevelopment and sale of the Premises; and

WHEREAS, the 1979 Contract contained certain agreements and covenants concerning the improvements to be constructed on the Premises; and

WHEREAS, Deeds recorded on December 14, 1979, in Liber 1682 at page 97 ("1979 Deed"), and January 10, 1980, in Liber 1685 at page 113 ("1980 Deed") also contained references to the 1979 Contract; and

WHEREAS, a Deed was recorded on August 21, 1981 ("1981 Deed"), in Liber 1776 of Deeds at page 308, by and between the City and the Permanent Savings Bank ("Bank") and certain terms, conditions and rights were established concerning public access to the Premises across the City's Property; and

WHEREAS, the 1981 Deed contained certain agreements and covenants concerning improvements to be constructed on the Premises; and

WHEREAS, the Owner is one of the successors in title to Permanent; and

WHEREAS, the parties desire to set forth their agreement that all of the agreements and covenants in the 1979 Contract, the 1979 Deed, the 1980 Deed, and the 1981 Deed have been completed and that the 1979 Contract is of no further force or effect; and

WHEREAS, the buildings and other improvements ("Improvements") were erected on the Premises as set forth on the Survey; and

WHEREAS, the Survey shows that part of the Improvements encroaches approximately 2.17 feet by 14.2 feet and stairs for access to the building encroach ("Encroachment") onto the City's Property, as shown on the Survey; and

WHEREAS, the parties desire to set forth their agreement that the Improvements can remain on the Encroachment on the City's Property; and

WHEREAS, the Owner is one of the successors in title to Permanent. NOW, THEREFORE, BE IT

RESOLVED, that all of the agreements and covenants in the 1979 Contract, the 1979 Deed, the 1980 Deed, and the 1981 Deed have been completed and that the 1979 Contract is of no further force or effect, and be it further

RESOLVED, that the 1981 Deed created a permanent easement for the Permanent Savings Bank, its tenants, their guests, and members of the Public, to access the Premises across the City's Property, and be it further

RESOLVED, that the Easement does and shall insure to the benefit of the Owner and all of its future successors and/or assigns and shall run with the land, and be it further

RESOLVED, that the City hereby grants to the Owner permanent permission for the Improvements (building and stairs) to remain in their present location on the Encroachment on the City's Property, and further grants the Owner, its successors and/or assigns, the permanent right to enter upon the Encroachment to undertake maintenance and repair activities upon the Premises, and be it further

RESOLVED, that the Mayor be and is hereby authorized to sign subject to Corporation Counsel's approval: (1) a Certificate of Completion; (2) an Access Agreement; (3) an Encroachment Agreement; and (4) documents related thereto.

Seconded by Alderman Fogle and adopted. Ayes 6.

**012214.3**

**ADJOURNMENT**

At 5:09 P.M., Alderman McCaffrey moved the Common Council be adjourned until 6:00 P.M., Wednesday, February 5, 2014.

Seconded by Alderman Fogle and adopted. Ayes 6.

RICHELLE J. PASCERI  
City Clerk